

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PREFERRED GROUP OF MANHATTAN, INC.,	:	
Plaintiff,	:	
	:	
v.	:	<u>ORDER ADOPTING REPORT</u>
	:	<u>AND RECOMMENDATION</u>
	:	
ROBERT J. DOOLEY and CORNELIUS R.	:	09 CV 4981 (VB)
VERHOEST,	:	
Defendants.	:	
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Briccetti, J.:

Before the Court is Magistrate Judge Paul E. Davison’s Report and Recommendation (“R&R”), dated December 27, 2012, on defendant Cornelius R. Verhoest’s motion to dismiss the action based upon plaintiff’s failure to prosecute. Judge Davison recommended the Court grant the motion. The Court presumes familiarity with the factual and procedural background of this case. For the following reasons, the Court adopts the R&R as the opinion of the Court, and grants the motion to dismiss the action based upon plaintiff’s failure to prosecute.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific[,] written,” and submitted within 14 days after being served with a copy of the recommended disposition. Fed.R.Civ.P. 72(b)(2); 28 U.S.C. § 636(b)(1).

Insofar as a report and recommendation deals with a dispositive motion, a district court must conduct a de novo review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C). The district

court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. Lewis v. Zon, 573 F.Supp.2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y.1985). The clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

Plaintiff did not object to Judge Davison's decision.

The Court has reviewed Judge Davison's thorough and well-reasoned R&R and finds no clear error.

CONCLUSION

Accordingly, the Court adopts the R&R in its entirety. The motion to dismiss the action based upon plaintiff's failure to prosecute is GRANTED. The Clerk is requested to enter judgment accordingly and close this case.

Dated: January 17, 2013
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge